

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: :
DREW R. WILLETTE AND : 5-20-00170-MJC
JOANNE WILLETTE, :
DEBTOR(S) : CHAPTER 7

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**NOTICE OF CHAPTER 7 TRUSTEE'S MOTION TO
(1) APPROVE SETTLEMENT OF PERSONAL INJURY CLAIM (2) EMPLOY SPECIAL
COUNSEL *NUNC PRO TUNC* AND (3) APPROVE PAYMENT OF
SPECIAL COUNSEL FEES AND REIMBURSEMENT OF COSTS**

NOTICE IS GIVEN THAT: John J. Martin, Chapter 7 Trustee ("Trustee") has filed a Chapter 7 Trustee's Motion to (1) Approve Settlement of Personal Injury Claim; (2) Employ Special Counsel *Nunc Pro Tunc*; and (3) Approve Payment of Special Counsel Fees and Reimbursement of Costs ("Motion").

The above case was commenced by the filing of a Petition for Relief under Chapter 7 of the United States Bankruptcy Code ("Code") on January 17, 2020. That a Report of No Distribution was filed on or about March 10, 2020 by the Trustee and the bankruptcy case was subsequently closed. That a motion of the United States Trustee to reopen the case was filed on or about January 31, 2024, and an Order granting the motion to reopen was entered on or about February 2, 2024. That the bankruptcy case was reopened due to the Trustee being contacted by law firms handling a pre-petition personal injury claim for Drew Willette ("Debtor"). The Debtor was a member of a class action lawsuit(s) being pursued in multiple jurisdictions ("Multiple District Litigation") ("Claim"). The Claim was a result of an alleged negligent act(s) of the defendants regarding the use of "hernia mesh" in a medical procedure(s). The Claim was not listed as an asset in the Debtor's original bankruptcy case and therefore the asset was not deemed abandoned by the Trustee upon the closing of the bankruptcy case and remains property of the bankruptcy estate pursuant to 11 U.S.C. 554. Prior to the bankruptcy case being filed, the Debtor retained the law firms of Wright & Schulte LLC ("Wright") and Cooper Law Partners, PLLC ("Cooper") to represent the Debtor in pursuing the Claim. The Trustee seeks to retain the Wright and Cooper law firms *nunc pro tunc* as special counsel under the same terms and conditions as outlined in the Attorney/Client Contingency Fee Retainer Agreement pursuant to 11 U.S.C. 327. That without the knowledge or consent of the Trustee and without prior bankruptcy court approval, Special Counsel negotiated a settlement of the Debtor's Claim for a gross settlement of \$133,000.00. The gross settlement in the amount of \$133,000.00 is subject to the following proposed reductions provided they are approved by the Court:

Gross Settlement Allocation Amount:	\$133,000.00
Less Attorney Fees (Contingency Fee 40.0%):	\$53,200.00
Less Case Expense Reimbursement	
And Archer fees:	\$3,759.48
Medical Lien Payment – Medicare	\$507.47
Net Amount to Bankruptcy Estate:	<u>\$75,533.05</u>

That after consultation with members of the Wright and Cooper law firms, the Trustee believes and therefore avers that the previously agreed upon settlement is in the best interest of the bankruptcy estate and will result in a meaningful distribution to unsecured creditors. The Trustee believes and therefore avers that the retention of the Wright and Cooper law firms *nunc pro tunc* as special counsel is appropriate under the circumstances. The Trustee believes and therefore avers that special counsel fees in

the amount of \$53,200.00 and Reimbursement of Expenses and Costs in the amount of \$3,759.48 are fair and reasonable under 11 U.S.C. 330.

A copy of the Motion is on file with the Bankruptcy Clerk. If no objections and requests for hearing are timely filed with the Bankruptcy Clerk, 197 South Main Street, Wilkes Barre, PA 18701 to the Motion on or before twenty-one (21) days from the date of receipt of this notice, the Court will act on said request without a hearing. If you desire to contest this matter, file a written objection in the form of responsive pleading and request a hearing with the bankruptcy court, with a copy to John J. Martin, Esquire at the address below: Any filing must conform to the Rules of Bankruptcy Procedures unless the Court determines otherwise.

March 1, 2024

/s/ John J. Martin, Esquire
John J. Martin, Esquire
Law Offices of John J. Martin
1022 Court Street
Honesdale, PA 18431
(570) 253-6899
jmartin@martin-law.net
Attorney For Chapter 7 Trustee

#Document End

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4 UNITED STATES BANKRUPTCY COURT
5 MIDDLE DISTRICT OF PENNSYLVANIA
6 WILKES-BARRE DIVISION

7 IN RE:

8 DREW R WILLETTE
9 JOANNE WILLETTE

CASE NO: 20-00170

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 7

11 On 3/1/2024, I did cause a copy of the following documents, described below,

12 Notice of Chapter 7 Trustee's Motion to (1) Approve Settlement (2) Employ Special Counsel Nunc Pro Tunc and (3)
13 Approve Special Counsel Fees and Reimbursement of Expenses

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19 to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with
20 sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and
incorporated as if fully set forth herein.

21 I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.
22 com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to
Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if
fully set forth herein.

23 Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been
served electronically with the documents described herein per the ECF/PACER system.

24 DATED: 3/1/2024

/s/ John J. Martin, Esq

John J. Martin, Esq 61725

26 Law Offices of John J. Martin
27 1022 COURT STREET
28 HONESDALE, PA 18431
570 253 6899
jmartin@martin-law.net

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3 UNITED STATES BANKRUPTCY COURT
4 MIDDLE DISTRICT OF PENNSYLVANIA
5 WILKES-BARRE DIVISION

6 IN RE:

7 DREW R WILLETTE
8 JOANNE WILLETTE

CASE NO: 20-00170

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 7

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10
11 On 3/1/2024, a copy of the following documents, described below,

12 Notice of Chapter 7 Trustee's Motion to (1) Approve Settlement (2) Employ Special Counsel Nunc Pro Tunc and (3)
13 Approve Special Counsel Fees and Reimbursement of Expenses
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19 were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient
20 postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth
21 herein.

22 The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above
23 referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of
24 Service and that it is true and correct to the best of my knowledge, information, and belief.

25 DATED: 3/1/2024

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Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
John J. Martin, Esq
Law Offices of John J. Martin
1022 COURT STREET
HONESDALE, PA 18431

USPS FIRST CLASS MAILING RECIPIENTS:

Parties with names struck through or labeled CM/ECF SERVICE were not served via First Class USPS Mail Service.

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
NCRS ADDRESS DOWNLOAD
CASE 20-00170
MIDDLE DISTRICT OF PENNSYLVANIA
FRI MAR 1 6-49-32 PST 2024

AMERICREDIT FINANCIAL SERVICES INC DBA
GM
PO BOX 183853
ARLINGTON TX 76096-3853

~~EXCLUDE~~~~(U)ATHENE ANNUITY AND LIFE COMPANY~~

PRA RECEIVABLES MANAGEMENT LLC
PO BOX 41021
NORFOLK VA 23541-1021

~~EXCLUDE~~

~~US BANKRUPTCY COURT~~
~~MAX ROSEN US COURTHOUSE~~
~~197 SOUTH MAIN STREET~~
~~WILKES BARRE PA 18701-1500~~

ALLY FINANCIAL
ATTN BANKRUPTCY
PO BOX 380901
BLOOMINGTON MN 55438-0901

AMERICREDITGM FINANCIAL
ATTN BANKRUPTCY
PO BOX 183853
ARLINGTON TX 76096-3853

(P)AMERICREDIT FINANCIAL SERVICES DBA GM
FINANCIAL
PO BOX 183853
ARLINGTON TX 76096-3853

AMEX
CORRESPONDENCEBANKRUPTCY
PO BOX 981540
EL PASO TX 79998-1540

BANK OF AMERICA
4909 SAVARESE CIRCLE
FL1-908-01-50
TAMPA FL 33634-2413

CAPITAL ONE
ATTN BANKRUPTCY
PO BOX 30285
SALT LAKE CITY UT 84130-0285

CITIBANK
PO BOX 6217
SIOUX FALLS SD 57117-6217

CITIBANK NORTH AMERICA
CITIBANK SD MC 425
5800 SOUTH CORP PLACE
SIOUX FALLS SD 57108

CITIMORTGAGE
ATTN CENTRALIZED BANKRUPTCY
PO BOX 9438
GETTSBURG MD 20898-9438

(P)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

FREDERIC I WEINBERG ASSOC
375 E ELM STREET SUITE 210
CONSHOHOCKEN PA 19428-1973

KML GROUP PC
701 MARKET ST SUITE 5000
PHILADELPHIA PA 19106-1541

KOHLSCAPITAL ONE
ATTN CREDIT ADMINISTRATOR
PO BOX 3043
MILWAUKEE WI 53201-3043

(P)MOHELA
CLAIMS DEPARTMENT
633 SPIRIT DRIVE
CHESTERFIELD MO 63005-1243

NATIONWIDE CREDIT
PO BOX 14581
DES MOINES IA 50306-3581

~~EXCLUDE~~~~(U)OTTER LAKE INC~~

SELECT PORTFOLIO SERVICING INC
ATTN BANKRUPTCY
PO BOX 65250
SALT LAKE CITY UT 84165-0250

ST LUKES UNIVERSITY HEALTH NETWORK
PO BOX 788187
PHILADELPHIA PA 19178-8187

~~EXCLUDE~~~~(U)SYNCDWALMART~~

SYNCHRONY BANK
CO PRA RECEIVABLES MANAGEMENT LLC
PO BOX 41021
NORFOLK VA 23541-1021

SYNCHRONY BANKAMAZON
ATTN BANKRUPTCY
PO BOX 965060
ORLANDO FL 32896-5060

SYNCHRONY BANKCARE CREDIT
ATTN BANKRUPTCY DEPT
PO BOX 965060
ORLANDO FL 32896-5060

USPS FIRST CLASS MAILING RECIPIENTS:

Parties with names struck through or labeled CM/ECF SERVICE were not served via First Class USPS Mail Service.

SYNCHRONY BANKLOWES
ATTN BANKRUPTCY
PO BOX 965060
ORLANDO FL 32896-5060

SYNCHRONY BANKOLD NAVY
ATTN BANKRUPTCY DEPT
PO BOX 965060
ORLANDO FL 32896-5060

SYNCHRONY BANKWALMART
ATTN BANKRUPTCY
PO BOX 965060
ORLANDO FL 32896-5060

UNITED STATES TRUSTEE
228 WALNUT STREET SUITE 1190
HARRISBURG PA 17101-1722

ZWICKER ASSOCIATES PC
3220 TILLMAN DR SUITE 215
BENSALEM PA 19020-2028

DEBTOR
DREW R WILLETTE
PO BOX 982
MARSHALLS CREEK PA 18335-0982

JOANNE WILLETTE
PO BOX 982
MARSHALLS CREEK PA 18335-0982

JOHN J MARTIN
LAW OFFICES OF JOHN J MARTIN
TRUSTEE
1022 COURT STREET
HONESDALE PA 18431-1925

SCOTT M AMORI
AMORI AND ASSOCIATES LLC
513 SARAH STREET
STROUDSBURG PA 18360-2118